AN ACT TO LEGALIZE AND MAKE VALID THE ACTS OF THE TOWN OF FAYETTE

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follow:

Sect. 1. The acts and doings of the Town of Fayette, at its annual meetings held in March, in the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, and eighteen hundred ninety-three, and eighteen hundred and ninety-four in pursuance of the respective warrants, calling said meetings, are hereby made legal and valid, notwithstanding any defect, or omission in any date in said warrants.

Sect. 2. This act shall take effect when approved.

Approved March 20, 1895

Laws of Maine
chapter 7.7

174A - CHAPTER 7.7

The Board of Directors does hereby authorize the Board of Directors of the Company to

174A - CHAPTER 7.7

[Redacted]
MUNICIPALITIES AND COUNTIES

30-A § 2532

Derivation:
R.S. 1954, c. 91, § 43.

SUBCHAPTER II
TOWN MANAGER PLAN

Section
2631. Town manager plan.
2632. Qualifications of town manager.
2633. Term, compensation, removal, suspension.
2634. Absence or disability of town manager.
2635. Board of selectmen to act as a body; administrative service to be performed through town manager; committees.

Section
2636. Powers and duties of town manager.
2637. Transitional provisions.
2638. Regional cooperation.
2639. Application.

§ 2631. Town manager plan

Text of section added effective March 1, 1939

1. Applicable laws. The form of government provided in this subchapter shall be known as the "town manager plan" and, together with general law not inconsistent, shall govern any town in which the voters have adopted this plan at a meeting held at least 90 days before the annual meeting.

2. Government. The government of each town under this subchapter shall consist of a town meeting, an elected board of selectmen, an elected school committee, an appointed town manager and any other officials and employees that may be appointed under this subchapter, general law or ordinance. Other town officials may be elected by ballot, including, but not limited to, moderator, assessors, overseers of the poor, clerk and treasurer. The election of officials at the last annual town meeting shall require that those town offices continue to be filled by election until the town designates otherwise.

3. Duration. Once adopted, the town manager plan remains in effect until revoked at a town meeting held at least 90 days before the annual meeting unless the voters of the town adopt a charter.

1937, c. 737, § A, 2, eff. March 1, 1939.

Derivation:
R.S. 1954, c. 91, §§ 16 to 19.
Laws 1957, c. 405, § 1.

Laws 1969, c. 590, § 99-B.
Laws 1977, c. 479, § 12.
Former §§ 2819, 2811 of title 30.

§ 2632. Qualifications of town manager

Text of section added effective March 1, 1939

1. Selection by board; professional qualification. The selectmen shall choose the town manager solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, the duties of office under this subchapter.

2. Residency. The town manager need not be a resident of the town or State when appointed, but, while in office, may reside outside the town or State only with the approval of the board of selectmen.

3. Prohibited offices. A town manager may not serve as moderator, selectman, assessor or member of the school committee.

1937, c. 737, § A, 2, eff. March 1, 1939.

Derivation:
R.S. 1954, c. 91, §§ 16 to 19.

Laws 1957, c. 405, § 1.
§ 2633. Term, compensation, removal; suspension

Text of section added effective March 1, 1989

1. Term. The town manager shall hold office for an indefinite term unless otherwise specified by contract.

2. Compensation. The selectmen shall determine the compensation of the town manager.

3. Removal, suspension. The selectmen may remove or suspend the town manager for cause in accordance with the following procedures:

   A. The selectmen shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal. A copy of that resolution shall be delivered to the manager within 10 days of filing.

   B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.

   C. Upon request for a public hearing, the selectmen shall hold one at least 10 days but not more than 30 days after the request is filed.

   D. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the selectmen may adopt or reject the resolution of removal.

   E. The selectmen may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.


Derivation:

R.S.1954, c. 91, §§ 16 to 19.  
Laws 1967, c. 405, § 1.  
Former §§ 2301, 2312 of title 30.

§ 2634. Absence or disability of town manager

Text of section added effective March 1, 1989

The town manager may designate a qualified administrative official of the town to perform the manager's duties during a temporary absence or disability, subject to confirmation by the selectmen. If the town manager does not make this designation, the selectmen may appoint a town official to perform the manager's duties during the absence or disability and until the manager returns or the disability ceases.


Derivation:

Laws 1973, c. 25.  
Laws 1959, c. 438, § 1.  
Former § 2314 of title 30.

§ 2635. Board of selectmen to act as a body; administrative service to be performed through town manager; committees

Text of section added effective March 1, 1989

It is the intention of this subchapter that the board of selectmen as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. The board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

MUNICIPALITIES AND COUNTIES

§ 2636. Powers and duties of town manager

Text of section added effective March 1, 1989

The town manager:

1. Executive and administrative officer. Is the chief executive and administrative official of the town;

2. Administer offices. Is responsible to the selectmen for the administration of all departments and offices over which the selectmen have control;

3. Execute laws and ordinances. Shall execute all laws and ordinances of the town;

4. Department head. Shall serve in any office as the head of any department under the control of the selectmen when directed by the selectmen;

5. Appoint department heads. Shall appoint, subject to confirmation by the selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager under subsection 4;

6. Appoint town officials. Unless otherwise provided by town ordinance, shall appoint, supervise, and control all town officials whom the municipal officials are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates, and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the board of selectmen;

7. Purchasing agent. Shall act as purchasing agent for all departments, except the school department, provided that the town or the selectmen may require that all purchases greater than a designated amount must be submitted to sealed bid;

8. Attend meetings of selectmen. Shall attend all meetings of the board of selectmen, and the town manager may attend meetings when the manager's removal is being considered;

9. Make recommendations. Shall make recommendations to the board of selectmen for the more efficient operation of the town;

10. Attend town meetings. Shall attend all town meetings and hearings;

11. Inform of financial condition. Shall keep the board of selectmen and the residents of the town informed as to the town's financial condition;

12. Collect data. Shall collect data necessary to prepare the budget;

13. Assist residents. Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and

14. Remove appointments. Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the board of selectmen.


Derivation:

Former § 2316 of title 30.

$2637. Transitional provisions

Text of section added effective March 1, 1989

The selectmen, by resolve, may provide for the orderly transition of the town government. These resolves may not infringe upon the rights of any official or employee of the town and may not be inconsistent with this subchapter.

Record of a Special Town Meeting

At the Special Town Meeting held on
the seventeenth day of December A.D. 1924,
qualified voters voted on the following acts:

Art. 1. The Town elected Richard A. Hebert, Jr.,
at the meeting as Moderator and sworn in.

Art. 2. The Meeting was opened for discussion
and adopting the form of government known
as "town manager plan" as set forth in
Sub-chapter XXI of Chapter 13, Title 30, Me.
Revised Statutes.

Mr. Edwin Bonton discussed at length
about assessing the town, followed by
questions and answers about a Town Man-
ager. It was recommended that the bookkeeper
work 20 hours a week at $3.50, and the
Manager 10 hours at $5.50, but wasn't
made law. After a great deal of discussion
a written ballot was asked for and it
vote was 46 yes and 34 no to hire a
town manager.

Art. 3. The Town voted to have the Town
Manager serve also as tax collector and
road commissioner.

Upon a motion by the Town the
meeting was adjourned.

A true copy.

Attest: Florence C. Gile, Town
Town of Fayette  
RFD #1, BOX 2180  
FAYETTE, MAINE 04349  
(207) 685-4373  

Office of:  
Town Manager  
Board of Selectmen  
Assessors  
Town Clerk  
Tax Collector  
Treasurer  
Planning Board  
Code Enforcement Officer  
Fire Chief

TOWN OFFICERS RECORD OATH AND CERTIFICATE

MUNICIPALITY OF FAYETTE  
COUNTY OF KENNEBEC  

STATE OF MAINE

I, Clyde Walton, do swear that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God.

I, Clyde Walton, do swear that I will faithfully discharge all the duties incumbent upon me as Charter Commission Member according to the Constitution and laws of the State, So help me God.

Signed Clyde Walton

STATE OF MAINE

COUNTY OF KENNEBEC  

October 3, 1996

I, Christopher Pathwick-Paszyc, certify that Clyde Walton personally appeared before me on this day and took the above oath.

Christopher Pathwick-Paszyc  
TOWN CLERK OR NOTARY PUBLIC
To the Hon. the Senate and House of Representatives
of the Commonwealth of Massachusetts in General
Court assembled: -

Your Petitiones humble servents, that we the undersigned in several
Inhabitants of a Plantation called
Rockingham in the County of Lincoln containing about seven
Townships) humbly sheweth that we have suffered many
Inconveniences in consequence of our unorganized State, just as
most of means for the Education of our Youth, laying out and
Repairing Roads &c. which can be removed only by Incorpora-
tion. We therefore pray your Honors to take our Petition
into your wise consideration and Incorporate us into a town
by the name of Newburytown in manner following viz:

Beginning at the Northwest Corner of Livinshtown so-
called extending southerly on the East Line said town from
State and ninety feet thence the Northwesterly line of
State thence North forty feet thence North forty feet
again thence to the Westerly line of Livinshtown thence
North sixty feet thence West sixty feet thence South
ninety feet thence to the Southwesterly line of Mountains
thence South fifty feet thence West fifty feet thence North
forty feet thence North forty feet thence West ninety
feet thence to the Westerly line of Mountains to the
Northwesterly

Land of Godkin thence North eighty degrees west to the for-
monted Bounded with all the Privileges of other towns in
this Commonwealth and we further pray that we may
be exempted from State and County Taxes for five years
from the time we may be incorporated, as the mean time to
construct defences for and layout and repair Highways and at
the expiration of said term we will most cheerfully contribute
our share to the public expenses all which yeal Petitioners
in Duty Demand.

Stanley Rooke 20th May

Benjamin Godkin
John Beaney
Thomas Sibley
David Pettes

John Godkin

Francis Godkin

Samuel Jones

Lyons Baldwin
In the house of Charles Jr 1795
Compliments to
Gentleman for Compliment

David McPherson

Scribe